IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3580 of 2007()

CRIME NO.499 OF 2004 OF PUNALUR POLICE STATION

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: PETITIONER/IST ACCUSED

DEVIKA RANI,
D/O.LATE ADV.S.RAMACHANDRAN PILLAI,
CHITHRALAYAM, KACHERI ROAD, PUNALUR,
PATHANAPURAM.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
PUNALUR POLICE STATION,
PUNALUR.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3580 of 2007

Dated this the 27th day of June, 2007

ORDER

Application for anticipatory bail. The petitioner, a woman, faces allegations under Section 420 I.P.C. According to the petitioner, there is a dispute between the petitioner and the defacto complainant regarding the sale of an item of property. That transaction has given rise to a civil dispute between the parties. The defacto complainant has already approached the civil court and during the pendency of that proceedings, to pressurise the petitioner, a false complaint has been filed. A crime has been registered on the basis of such allegations. Investigation is complete. Final report has been filed showing the petitioner as absconding. The learned Magistrate has there upon chosen to issue a non bailable warrant against the petitioner.

2. The learned counsel for the petitioner submits that the allegations are totally false and are raised with vexatious intent. The petitioner may be granted anticipatory bail and saved of the undeserved trauma of arrest and detention in prison. The learned Public Prosecutor submits that the investigation is complete and the State has no objection against grant of anticipatory bail to the petitioner. I am satisfied, in the facts and circumstances of this case

that the petitioner can be granted anticipatory bail subject, of course, to appropriate conditions.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 05.07.2007. She shall be enlarged on regular bail on her executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law as if those directions were not issued at all;

iii) If the petitioner were arrested prior to her surrender on 05.07.07 as directed in clause (1) above, she shall be released on bail on her executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 05.07.07.

(R.BASANT, JUDGE)

rtr/-